

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 99-CR-217-02 (PG)

RAFAEL ORTEGA-REY

* * * * *

**MOTION NOTIFYING VIOLATIONS OF THE SUPERVISION TERM
AND REQUESTING A WARRANT OF ARREST**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, ABNER VALCARCEL-MATOS, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of the offender, Rafael Ortega-Rey, who on February 24, 2006, was sentenced to nine (9) months of imprisonment after his original supervision term was revoked. A two (2) year supervised release term was also imposed. As a special condition, the offender was ordered to submit to urinalyses and to participate in a substance abuse treatment program. Mr. Ortega-Rey was released from custody on April 12, 2006.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Since his release from custody, the offender has violated the following conditions of his supervised release term:

1. SPECIAL CONDITION- "THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF CONTROLLED SUBSTANCES AND SUBMIT TO A DRUG TEST WITHIN 15 DAYS OF RELEASE, AND THEREAFTER SUBMIT TO RANDOM DRUG TESTS, NOT TO EXCEED 104 SAMPLES PER YEAR UNDER THE COORDINATION OF THE U.S. PROBATION OFFICE. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN AN IN-PATIENT OR OUT-PATIENT SUBSTANCE ABUSE TREATMENT PROGRAM, ARRANGED BY THE U.S. PROBATION OFFICER UNTIL DULY DISCHARGED."

The offender tested positive to cocaine and marihuana on several occasions. As a means of helping the offender to cope with his relapse to drug use, he was placed on the intensive urinalysis program and referred to a substance abuse treatment program. However, the offender has continued to use illegal substances while participating in the substance abuse treatment program. Moreover, he has failed to report to the two most recent urinalyses as scheduled.

WHEREFORE, I declare under penalty of perjury that the above-mentioned is true and correct. Therefore, it is respectfully requested that a warrant for the offender's arrest be issued so that he may appear before this Court to show cause why his supervision term should not be revoked. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 11th day of June 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Abner Valcarcel
Abner Valcárcel
U.S. Probation Officer
Federal Office Building Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
Tel. 787-766-5836
Fax 787-766-5945
E-mail: abner_valcarcel@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY certify that on June 11, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system and copy of this document was mailed to the following: Timothy R. Henwood, Assistant U.S. Attorney and Héctor E. Guzmán-Silva, Assistant Federal Public Defender.

In San Juan, Puerto Rico, this 11th day of June 2007.

s/Abner Valcarcel
Abner Valcárcel
U.S. Probation Officer
Federal Office Building Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
Tel. 787-766-5836
Fax 787-766-5945
E-mail: abner_valcarcel@prp.uscourts.gov